

207



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,630	06/24/2003	Joseph B. Agusta	P5087C1	2917

24739 7590 06/24/2005

CENTRAL COAST PATENT AGENCY
PO BOX 187
AROMAS, CA 95004

EXAMINER

NGUYEN, QUYNH H

ART UNIT	PAPER NUMBER
----------	--------------

2642

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/603,630

Applicant(s)

AGUSTA, JOSEPH B.

Examiner

Quynh H. Nguyen

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 21, 23, 25, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Bogart et al. (U.S. Patent. 6,163,607).

Regarding claims 21 and 23, Bogart et al. disclose a method of assigning tasks to agents in a service center based on agent skills required to service individual tasks, comprising: in response to a task to be service (Fig. 3, 300), determining a skill set that would be best suited for responding to the task (Fig. 3, 302 – *where Bogart discussed determining skill x of available agents who have skills X that would be best suited for responding to the call arrives need assistance with skill X*); building a resume table (*service profile*) of available agents based upon the skills which they possessed (Fig. 2, 210, 400, and 402 and col. 4, lines 18-38); determining from the resume table of available agents all agents with best match to service the task (col. 3, lines 15-17 and col. 5, lines 37-41); selecting an agent to service the task from the agents with best match (Fig. 3, 306 and col. 5, lines 66-67).

Claims 25 and 27 are rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Bogart et al. teach computer program code embodied

Art Unit: 2642

in a storage medium for controlling a computer to assign tasks to agents (Fig. 1 and col. 3, line 61 through col. 4, line 10).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 22, 24, 26, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bogart et al. (U.S. Patent. 6,163,607) in view of Brooks et al. (U.S. Patent 5,825,869).

Regarding claims 22, 24, 26, and 28, Bogart et al. do not disclose the step of selecting an agent with a minimum qualification level from among the agent.

Brooks et al. teach selecting an agent with a minimum qualification level from among the agent (col. 9, lines 50-65).

Obviously, selecting an agent with a minimum qualification among the agents is well known in Automatic Call Distributing Center and the advantage of selecting an agent with a minimum qualification among the agents is also well known. For example, if agent A1 speaks English and Spanish and agent A2 speaks only Spanish, a task needs to be serviced is Spanish then one would select agent A2.

Double Patenting

Art Unit: 2642

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 21-28 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2, 6-7, and 11-12 respectively of U.S. Patent No. 6,584,192. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the instant application present a method for assigning tasks to agents in a service center based on agent skills required to service individual tasks. Claims 21-28 of the instant application substantially correspond to claims 1-2, 6-7, and 11-12 respectively of the U.S. Patent No. 6,584,192. The common subject matter claimed above includes a method of assigning tasks to agents in a service center based on agent skills required to service individual tasks by determining a skill set that would be best suited for responding to the task, determining from a built resume table of available agents all agents with best match to service the task; and selecting an agent to service the task from the agents determined above. The difference between the instant application and the copending applications is in the instant application determining a skill set that would

Art Unit: 2642

be best suited for responding to the task; while in the U.S. Patent No. 6,584,192 representing the N skills as N Boolean variables, determining a set X of all logical states of the Boolean variables that contain the required skills, wherein the resume table is organized by the logical states of the N Boolean variables and each agent is represented in each state that includes all skills possessed by the agent. Obviously, one could choose different algorithm for calculating qualification level for an agent depending on one's needs and the environment that ACD center supports. For example, Bogart et al. use generator (Fig. 1, 151) and selector (Fig. 1, 150) that enable the weighting to strongly reflect agent performance and selects the agent who has the best combined score to handle the call; while the instant application determining a skill set that would be best suited for responding to the task, determining from a built resume table of available agents all agents with best match to service the task; and selecting an agent to service the task from the agents determined above.

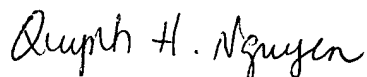
Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:15 A.M. to 4:45 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2642

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Quynh H. Nguyen
Patent Examiner
Art Unit 2642